IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 6568 of 2006
Date of decision : 8.12.2006.

Assa

.....Petitioner.

Versus

Nasib Kaur & Ors.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.Gurcharan Dass, Advocate
for the petitioner.

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VINOD K. SHARMA,J.(ORAL)

Present revision petition has been filed against the order dated 21.11.2006 passed by the learned Civil Judge (Jr. Divn.), Ludhiana vide which the application moved by the petitioner under Order 14 Rule 5 C.P.C. for framing of additional issues has been dismissed.

The case set up by the petitioner was that in the written statement, pleas regarding the suit being time barred as also barred on principle of resjudicata was taken. However, no issues on said pleadings have been framed.

The learned Court below has rejected the application keeping in view the fact that the case is at rebuttal and arguments and evidence of the petitioner was closed by order as he failed to conclude his evidence in spite of availing of number of opportunities. The learned Court, therefore, camed to the conclusion that the application is merely to delay the proceedings and an attempt to over come the order passed by the learned Court below

closing his evidence. The learned Court has further relied upon the judgment of Andhra Pradesh High Court in the case of ***Dr. S.V.S. Ravi Krishna Vs. K. Sita Ramaiah & Anr. 2003(3) Civil Court Cases 431*** to conclude that if issue is comprehensive covering all the issues there is no necessity to frame any additional issue. The Court has further held that the issue No.2 will cover all the contentions raised by the parties and, therefore,there is no necessity to frame any additional issue.

There is no error or illegality in the order which may call for interference by this Court.

Dismissed.

8.12.2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**